

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
UNITED STATES OF AMERICA, :  
:-----  
-v- : 11-cr-0065-01 (JSR)  
:-----  
GEORGE SALEMO, : ORDER  
:-----  
Defendant. :  
----- x

JED S. RAKOFF, U.S.D.J.

Familiarity with the background to this case is here assumed. As relevant here, on May 17, 2020, the Court denied defendant George Salemo's motion for compassionate release. Dkt. No. 103. Relying on Application Note 1 to U.S.S.G. § 1B1.13, the Court found that Salemo had failed to satisfy any of the applicable policy statements defining extraordinary and compelling reasons. Salemo appealed. Dkt. No. 107.

While the appeal was pending, the Second Circuit issued its decision in United States v. Brooker, 976 F.3d 228, 236-38 (2d Cir. 2020), holding that U.S.S.G. § 1B1.13 "is not 'applicable' to compassionate release motions brought by defendants" and "cannot constrain district courts' discretion to consider whether any reasons are extraordinary and compelling". In light of Brooker, the Second Circuit granted the Government's unopposed motion to vacate the Court's denial of compassionate release and to remand for further proceedings. Dkt. No. 116.

After remand, Salemo renewed his motion for compassionate release. Dkt. No. 117. The representation of Salemo in the above-captioned matter is assigned to C.J.A. attorney on duty today, April 20, 2021, Jesse Siegel, Esq., for the purposes of supplementing, if deemed necessary, the pro se motion for compassionate release. Counsel for the defense and the Government are directed to jointly call Chambers on Monday, April 26, 2021 at 10:00 a.m. to set up a briefing schedule for the motion.

SO ORDERED.

Dated: New York, NY  
April 20, 2021

  
\_\_\_\_\_  
JED S. RAKOFF, U.S.D.J.